IN THE HIGH COURT OF BOMBAY AT GOA

APPEAL UNDER E.S.I. NO. 5 OF 2003

M/S GOA SINTERED PRODUCTS PVT.LTD.,NAVELIM-GOA. ....Appellants

Versus

REGIONAL DIRECTOR,PANAJI-GOA. ....Respondents

SHRI VIJAY A.PALEKAR,MRS.A.A.AGNI

Coram:- R. J. KOCHAR, J.

Date:- 14th November, 2003

Heard both sides. To my mind, the core question that was required to be addressed and as has been addressed by the Authority below is whether the stand taken by the appellant that they had no knowledge about the order passed on 4-12-95 can be said to be legitimate and acceptable. That aspect has been considered in differen angles by the Authority below and negatived. In such a case, no substantial question of generl public importance would arise for consideration. The learned Counsel for the appellant, however, seeks to repy on the decision of the Apex Court in the case of Regional Director, ESI Corpn., Kerala v/s. Metropolitan Engineering Co. Ltd., (L & S) 1037 to contend that in a similar situation the Apex Court upheld the order passed by the High Court

upsetting the order imposing damages for not making ESI contribution in time. To buttress his argument, he relies on the observations made by the Authority below in paragraph 15 which, according to him, virtually accepts the position that there is failure of administration in the establishment of the appellant which can be a mitigating circumstance to excuse the non-payment of ESI contribution during the relevant period. Again this contention cannot be said to be a substantial question of generl public importance which is sine qua non for entertaining the appeal under Section 82 of the Act.

Counsel for the respondnet has rightly placed reliance on the decision of the Division Bench of this Court in Dainik Deshdoot and ors. v/s. The Employees' State Insurance Corporation and ors. reported in 1995(70) F.L.R. 863, regarding the limited scope of interference in appeal under Section 82 of the Act.

Hence the appeal is dismissed.

R. J. KOCHAR, J.